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 United States of America

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| COUNSEL/PARTIES OF RECORD | |
| DEC 31 2013 | |
| CLERK US DISTRICT COURT DISTRICT OF NEVADA | |
| BY: _____ | DEPUTY _____ |

FILED

DEC 19 2013

CLERK U.S. DISTRICT COURT
 EASTERN DISTRICT OF CALIFORNIA

**UNITED STATES DISTRICT COURT
 EASTERN DISTRICT OF CALIFORNIA**

3:13-MJ-0171-VPC

UNITED STATES OF AMERICA,

 Plaintiff,

 v.

 ISMAEL MARTINEZ,

 aka "Ismael Martinez Garcia",
 aka "Hector",

 Defendant.

CASE NO.

1: 13 CR 000436 LJO SKO
 VIOLATIONS: 18 U.S.C. § 2422(b) – Use of Facility of Interstate Commerce to Induce Minor to Engage in Criminal Sexual Activity; 18 U.S.C. 2423(b) – Travel in Interstate Commerce with Intent to Engage in Illicit Sexual Conduct; 18 U.S.C. § 2252(a)(2) – Receipt or Distribution of Material Involving the Sexual Exploitation of Minors; 18 U.S.C. §§ 2428, 2253 – Forfeiture

INDICTMENT

COUNT ONE: [18 U.S.C. § 2422(b) – Use of a Facility of Interstate Commerce to Induce Minor to Engage in Criminal Sexual Activity]

The Grand Jury charges **T H A T:**

ISMAEL MARTINEZ,

defendant herein, beginning on an unknown date but no later than approximately May 2013, and continuing through approximately September 2013, in Fresno County, within the State and Eastern District of California and elsewhere, using facilities and means of interstate commerce, knowingly attempted to persuade, induce and entice an individual whom he believed had not attained the age of 18

INDICTMENT

1 years, to engage in sexual activity for which any person could be charged with a criminal offense, that
2 is, the defendant did use in Reno, Nevada the Internet, telephones, and other means of interstate
3 commerce to attempt to persuade, induce, and entice an individual whom he believed to be a 14 year-
4 old female located in Fresno, California, to engaged in sexual activity which constitutes a crime within
5 the State of California, pursuant to California Penal Code Section 288(c)(1), all in violation of Title 18,
6 United States Code, Section 2422(b).

7
8 COUNT TWO: [18 U.S.C. § 2423(b) – Travel In Interstate Commerce with Intent to Engage in Illicit
9 Sexual Conduct]

10
11 The Grand Jury charges T H A T:

12 ISMAEL MARTINEZ,

13 defendant herein, beginning on an unknown date but no later than approximately May 2013, and
14 continuing through approximately September 2013, in Fresno County, within the State and Eastern
15 District of California and elsewhere, did travel in interstate commerce for the purpose of engaging in
16 illicit sexual conduct with another person, in that the defendant travelled via state and interstate
17 highways from Reno, Nevada to Fresno, California, for the purpose of meeting with an individual whom
18 he believed to be a 14 year-old female, to have illicit sexual activity as defined in Title 18, United States
19 Code, Section 2423(f), in Fresno, California, all in violation of Title 18, United States Code, Section
20 2423(b).

21
22 COUNT THREE: [18 U.S.C. § 2252(a)(2) – Receipt or Distribution of Material Involving the Sexual
23 Exploitation of Minors]

24 The Grand Jury charges T H A T:

25 ISMAEL MARTINEZ,

26 defendant herein, in August 2013, in Reno, Nevada and from Fresno County, within the State and
27 Eastern District of California and elsewhere and through the use of a laptop computer and hard drive,

28 INDICTMENT

1 did knowingly receive or distribute at least one visual depiction, the producing of which involved at
2 least one minor engaging in sexually explicit conduct, as defined in Title 18, United States Code,
3 Section 2256, which depiction had been transported in interstate or foreign commerce, had been sent or
4 received using any means or facility of interstate or foreign commerce, or which contained materials
5 which had been mailed, shipped, or transported in interstate or foreign commerce by any means, all in
6 violation of Title 18, United States Code, Section 2252(a)(2).

7
8 **FORFEITURE ALLEGATION:** [18 U.S.C. §§2428, 2253(a)(1), 2253(a)(2) and 2253(a)(3) – Criminal
9 Forfeiture]

10 The allegations set forth in the above Indictment are incorporated by reference as though fully
11 set forth herein for the purpose of alleging forfeiture pursuant to 18 U.S.C. §§ 2428, 2253(a)(1),
12 2253(a)(2) and 2253(a)(3).

13 Pursuant to one or more of the following: 18 U.S.C. §§ 2428, 2253(a)(1), 2253(a)(2) and
14 2253(a)(3), and upon conviction of one or more of the offenses alleged in this Indictment, the defendant
15 shall forfeit to the United States his interest in any and all items which contain any visual depiction,
16 book, magazine, periodical, film, videotape, or other matters which contains any such visual depiction,
17 which was possessed, produced, transported, mailed, shipped or received in violation thereof; any
18 property, real or personal, constituting or traceable to gross profits or other proceeds the defendant
19 obtained directly or indirectly as a result of the these violations, and any property traceable to such
20 property; and any and all property, real or personal, used or intended to be used in any manner or part to
21 commit or to promote the commission of the these violations, and any property traceable to such
22 property; including but not limited to the following:

- 23 (a) Apple iPhone 4 (Model A1387), seized from defendant by law enforcement on or about
24 September 27, 2013; and
25
26
27

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(b) Compact discs, hard drives, or other storage devices containing visual depictions of minors engaged in sexually explicit conduct and seized from defendant by law enforcement on or about September 27, 2013.

Pursuant to 18 U.S.C. §§ 2428, 2253(a)(1), 2253(a)(2), 2253(a)(3), 2253(b), and 21 U.S.C. § 853, if any property subject to forfeiture, as a result of any act or omission of defendants or agents of defendants or upon direction by the defendants:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,

the United States of America shall be entitled to forfeiture of any other property of the defendants, up to the value of the property subject to forfeiture, including but not limited to a personal forfeiture money judgment, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982(b)(1), and Title 28, United States Code, Section 2461(c).

A TRUE BILL

/s/ Signature on file w/AUSA

FOREPERSON

BENJAMIN B. WAGNER
United States Attorney

KIRK E. SHERRIFF for

By _____
Mark E. Cullers
Assistant U.S. Attorney
Chief, Fresno Office

INDICTMENT

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No. _____

UNITED STATES DISTRICT COURT

Eastern District of California

Criminal Division

FILED

DEC 19 2013

CLERK U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY
DEPUTY CLERK

THE UNITED STATES OF AMERICA

vs.

ISMAEL MARTINEZ
aka "Ismael Martinez Garcia"
aka "Hector"

1:13 CR 000436 LJO SKO

INDICTMENT

VIOLATION(S): 18 U.S.C. § 2422(b)-Use of Facility of Interstate Commerce to Induce
Minor to Engage in Criminal Sexual Activity; 18 U.S.C. § 2423(b)-Travel in Interstate
Commerce With Intent to Engage in Illicit Sexual Conduct; 18 U.S.C. § 2252(a)(2)-Receipt
or Distribution of Material Involving the Sexual Exploitation of Minors;
18 U.S.C. §§ 2428, 2253-Criminal Forfeiture

A true bill,

Foreman.

Filed in open court this _____ day

of _____, A.D. 20 _____

Clerk.

Bail, \$ _____

NO BAIL WARRANT

GPO 863 525

AO 257

Case 1:13-cr-00436-LJO-SKO Document 1-1 Filed 12/19/13 Page 2 of 4
(Rev. 9/92) YES: SAB conflict in USAO (before 01/01/13) YES: SKO conflict in USAO (Before 4/12/10) PER 18 U.S.C. 3170**DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION -- IN U.S. DISTRICT COURT**BY ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☒ SUPERSEDING: Case No. 1:13-cr-003 AWI**OFFENSE CHARGED**

Please see Indictment

PLEASE SEE INDICTMENT

- ☐
- Petty
-
- ☐
- Minor
-
- ☐
- Misdemeanor
-
- ☒
- Felony

Place of offense
Fresno CountyU.S.C. Citation
Please see IndictmentName of District Court, and/or Judge/Magistrate Judge Location (City)
EDCA**DEFENDANT -- U.S. vs.****ISMAEL MARTINEZ, aka Ismael Martinez Garcia**
Aka Hector

Address 1: 13 CR 000436 LJO SKO

Birth-
Date

- ☒
- Male
- ☐
- Alien
-
- ☐
- Female (if applicable)

(Optional unless a juvenile)

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

Det. David Rippe/Fresno County Sheriff's Office

- ☐
- person is awaiting trial in another Federal or State Court, give name of court

- ☐
- this person/proceeding is transferred from another district per FRCrP
- ☐
- 20
- ☐
- 21
- ☐
40. Show District

- ☐
- this is a
- reprosecution of charges*
- previously dismissed which were dismissed on motion of:

☐ U.S. Att'y ☐ Defense

- ☐
- this prosecution relates to a pending case involving this same defendant

SHOW
DOCKET NO.

- ☒
- prior proceedings or appearance(s) before U.S. Magistrate Judge regarding this defendant were recorded under

MAGISTRATE
JUDGE CASE NO.Name and Office of Person
Furnishing Information on
THIS FORM

Maria G. Robles

☒ U.S. Att'y ☐ Other U.S. AgencyName of Asst. U.S.
Att'y (if assigned)

Brian W. Enos

☒ FOREFEITURE ALLEGATION**DEFENDANT****IS NOT IN CUSTODY**

- 1)
- ☒
- Has not been arrested, pending outcome of this proceeding
-
- If not detained, give date any prior summons was served on above charges
-
- 2)
- ☐
- Is a Fugitive
-
- 3)
- ☐
- Is on Bail or Release from (show District)

IS IN CUSTODY

- 4)
- ☐
- On this charge
-
- 5)
- ☐
- On another conviction
-
- 6)
- ☐
- Awaiting trial on other charges }
- ☐
- Fed'l
- ☒
- State
-
- If answer to (6) is "Yes," show name of institution
-
- Fresno County Jail

Has detainer
been filed?

- ☐
- Yes
-
- ☐
- No
-
- Mo. Day Year

If "Yes,"
give date
filedDATE OF
ARREST

Or ... if Arresting Agency & Warrant were not Federal

Mo. Day Year

DATE TRANSFERRED
TO U.S. CUSTODY

- ☐
- This report amends AO 257 previously submitted

ADDITIONAL INFORMATION OR COMMENTS

PLEASE ISSUE NO BAIL WARRANT

Mic
AUSA INITIALS

PENALTY SLIP

1:13 CR 000436 LJO SKO

DEFENDANT: ISMAEL MARTINEZ
aka Ismael Martinez Garcia
aka Hector

COUNT ONE:

VIOLATION: 18 U.S. C. § 2422(b) - Use of Facility
Of Interstate Commerce to Induce Minor
To Engage In Criminal Sexual Activity

PENALTY: 10 years to life imprisonment
\$250,000 fine
Lifetime supervised release
\$100.00 Special Assessment

COUNT TWO:

VIOLATION: 18 U.S.C. § 2423(b) - Travel in Interstate
Commerce With Intent to Engage In
Illicit Sexual Conduct

PENALTY: Up to 30 years imprisonment
\$250,000 fine
Lifetime supervised release
\$100.00 Special Assessment

COUNT Three:

VIOLATION: 18 U.S.C. § 2252(a)(2) -
Receipt or Distribution of Material
Involving the Sexual Exploitation of
Minors

PENALTY: 5-20 years imprisonment
\$250,000 fine
Lifetime supervised release
\$100.00 Special Assessment

FORFEITURE ALLEGATION:

18 U.S.C. § 2428, 2253

1:13 CR 000436 LJO SKO